US Army Corps of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith Phone: (415) 503-6792/E-mail: robert.f.smith@usace.army.mil

1. **INTRODUCTION:**
The DeSilva Group, 11555 Dublin Boulevard, Suite 201, P.O. Box 2922, Dublin, California 94568 has applied for a Department of the Army permit to place fill in 4.25 acres of Corps jurisdictional waters/wetlands to construct the Casamira Valley Development Project, a residential development project, located on a portion of Moller Ranch within the city limit of Dublin, Alameda County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:**
The Project consists of the development of the Moller Ranch property for residential uses and includes the construction of 298 housing units, two access roads, interior roadways, a public trail, park, community center, and public infrastructure such as water, wastewater, recycled water, and stormwater treatment facilities required to support proposed development. The purpose of the Project is to provide residential housing for the expanding City of Dublin as approved in the City's General Plan.

The Project area is characterized by a small generally flat valley formed by Moller Creek, a tributary of Tassajara Creek, which flows in the southwesterly direction with moderate to steep hillsides north and south of the creek. The site slopes from east to west with a drop in elevation of over 575 feet. Elevations range from approximately 1,040 feet along the east boundary of the property to 465 feet below the Tassajara Road Bridge crossing of Moller Creek. Historical and existing land uses within the Project area include livestock grazing. Two single-family residences and several agricultural outbuildings have been constructed along the northern embankment of Moller Creek approximately 2,300 feet east of Tassajara Road.

Implementation of the Project would result in two primary types of impacts in Corps jurisdiction: 1) development impacts associated with site grading, geotechnical or hillside stabilization, road and utility installation and stormwater discharge; and 2) restoration impacts associated with the realignment and re-establishment of a stable Moller Creek channel. Geotechnical stabilization repair, project construction, and creek restoration activities would result in impacts to 4.25 acres of Corps jurisdictional waters/wetlands (See Figure 6). This total includes 3.92 acres of permanent impacts to wetlands, creek, and drainage channel habitat, and 0.33 acres of temporary impacts to wetland habitat located within Moller Creek. An additional 101.45 acres of upland surrounding the Project would be temporarily impacted by grading activities required to stabilize hillside topography along the access roads and behind the development site.

Development Fill Activities: Grading activities would primarily involve impacts to existing seep wetland habitats associated with the failed slopes. These activities are necessary to achieve grading configurations and soil stabilization on the Project site due the existing topography. Jurisdictional impacts associated with project grading and development fill total approximately 3.2 acres. Grading and development fill activities would result in impacts to approximately 4,062 linear feet of creek/drainage channel habitat.

Access Road and Bridge Structures: Development access would be provided by a mile long loop road extending in an easterly direction from Tassajara Road down the Moller Creek valley to the Project

site. Two nearly parallel access roads would be constructed along the hillsides above Moller Creek with bridge crossings occurring at three locations (See Figures 1 thru 4). The applicant would also be responsible for the construction of a replacement bridge (Tassajara Road) over Moller Creek. The existing culverted bridge crossing would be replaced with a con-span (clear-span) structure. Rock structures would be constructed within the channel under each bridge for grade and erosion control accounting for approximately 186 linear feet of channel impact (0.1 acres). Additional impacts to jurisdictional wetlands and intermittent drainage channel habitat would occur as a result of road grading. Acreage calculations for these impacts have been included in the overall development fill numbers due to the amount of grading work required to stabilize the hillside prior to road construction.

The existing Tassajara Road culvert bridge crossing of Moller Creek would be upgraded to a con-span bridge as part of the proposed Project. This would eliminate a major constriction point along Moller Creek providing a movement corridor for local wildlife species, including the federally threatened CRLF. Due to the presence of a deeply incised channel and a grade elevation difference of over 10 feet from one side of the exiting culvert road crossing to the other, a portion of Moller Creek would have to be realigned and equipped with a rock grade stabilization structure. Impacts associated with the removal of the existing culvert, construction of the new con-span bridge and installation of a rock grade stabilization structure total 179 linear feet of creek channel (0.18 acres).

Various locations throughout the Project include modified curb and gutter configurations preventing entrapment of amphibians such as CTS in the roadways. Additionally, movement corridors consisting of modified cattle grate crossing would be installed at predetermined locations, allowing for movement of amphibians, reptiles and other wildlife species under the roadway and into the Moller Creek corridor.

Stormwater Outfall Structures: Stormwater drainage from the proposed development project would be treated through various post-construction treatment methods including bioretention cells, stormwater filter strips, water quality ponds and other source control measures. It is anticipated that the majority of stormwater generated by the development would be treated prior to discharge through six outfall structures into Moller Creek. Construction of the six outfalls would require the placement of rock riprap at the base of each structure for erosion control purposes. Approximately 33 linear feet (0.01 acres) of creek channel would be impacted by outfall construction.

Moller Creek Channel Restoration: Activities associated with the realignment and re-establishment of a stable Moller Creek channel are required in order to limit down cutting and erosion which is currently taking place on a majority of the channel. The applicant states that while benefiting local wildlife, the surrounding environment, and downstream water quality, creek restoration activities would also provide for a more stable creek channel improving structural integrity and safety of proposed development structures including roadways, bridges and outfalls. Restoration activities need to incorporate engineering design so that the final designed creek channel will remain stable and eliminate or limit down cutting and erosion. The restoration components described below were selected due to habitat preservation concerns, the potential for downstream water quality enhancement and environmental impact minimization.

Channel restoration activities would include the removal of two existing culverts (farm road crossings) that currently exist within the channel, grading and recontouring of over-steepened banks, installing semi-natural drop structures or step pools

to assist the channel in reaching an equilibrium slope, realignment of channel sections, and planting the completed channel alignment with grasses, forbes, shrubs and trees appropriate for the area. Creek channel restoration activities would be carried out with the following goals:

- Reduce in-flow channel velocities so that stormwater runoff in the drainage during peak events is transported at rates that are below established erosion thresholds for the on-site clay material.

- Provide appropriate grade controls to stabilize headcuts and other deleterious erosional features that have developed in the channel and threaten the integrity of stable portions of the drainage corridor upstream of the proposed improvements.

- Restore biotic function along the riparian corridor by regrading over steepened bank slopes and provide areas for landscape enhancement within the drainage channel.

Existing Culvert Removal: Removal of the two existing culverts located within Moller Creek would not result in a discharge of fill other than that which is incidental to fill removal and minor grading to establish a uniform creek bottom. All soil currently covering the culverts would be removed and disposed of outside Corps jurisdiction. The culverts would be removed and the channel graded to conform to the surrounding topography. Temporary impacts amount to 0.01 acres (47 linear feet).

Creek Bank Restoration: Grading and recontouring of over-steepened banks has been recommended at four specific locations along Moller Creek. Existing creek banks are near vertical and are continuing to erode, depositing large amounts of sediment into the Moller Creek and downstream water courses. To prevent further lateral creek migration, the specified embankment locations would be graded allowing for a more gradual topography and slope. To assist in the long-term stabilization, toe protection consisting of large diameter rock would be installed within an over excavated trench along the outside curvature of the four creek restoration locations. All placed rock associated with toe protection would contain a minimum cover of 2-feet of earthen material. All impacted areas would be planted with riparian plantings after they have been backfilled. After grading has been completed, erosion control fabric would be placed over bare slopes to prevent post-construction erosion and all exposed surfaces hydroseeded with a native plant mixture. Impacts associated with creek bank restoration include excavation of bed and bank material, installation of rock for bed stabilization, and backfill of embankment areas. These activities would impact approximately 761 linear feet of creek channel (0.08 acres).

Step Pool Structures: To assist the channel in reaching an equilibrium slope, approximately seven semi-natural drop structures or step pools would be installed at predetermined locations. The basic rock step-pool design is shown on Attachment 1, Figure 20. The design is based on a concept from Dave Rosgen of Wildland Hydrology and is intended to create a structure that not only mimics a natural creek habitat feature in hydraulic function, but also reduces the amount of rock weir structure that is installed so that high flows are directed towards a scour pool in the center of the channel during peak flow events downstream of the crest of the structure. Under normal creek operating conditions, the scour pool functions as a habitat pond. Design of the step pools will be based on specifications provide by the National Resource Conservation Service. The step-pools would consist of 1-ton rock meeting Caltrans gradation specifications, and are designed to facilitate a vertical drop of up to 9 feet in the drainage channel.

The rock gradation is large enough to allow herbaceous vegetation to grow between the stones. An impermeable membrane would be placed at the upstream portion of each step-pool to prevent erosion from occurring at the upstream transition. Impacts associated with step pool installation include the excavation of bed and bank material and installation of a rock and earthen back fill for a total impact to 522 linear feet of creek channel (0.18 acres).

Channel Realignment: There are five locations along the Moller Creek channel where bank erosion is severe, the existing channel configuration has resulted in unstable conditions or where major channel work is proposed in association with the removal of a large culvert (Tassajara Road). These locations would require more intensified channel work that involves minor realignment to correct existing creek problems. After grading has been completed, erosion control fabric would be placed over bare slopes to prevent post-construction erosion and all exposed surfaces hydroseeded with a native plant mixture. Channel realignment activities would result in impacts associated with the placement of fill into abandoned sections of the channel and excavation and grading required to tie new channel segments into the existing channel above and below the Project impact area. Jurisdictional impacts associated with channel realignment would total 711 linear feet of creek channel (0.48 acres).

Mitigation Concept

Residential and associated infrastructure development would impact approximately 52.4 acres of a 226.3 acre parcel currently consisting of grazed non-native grassland habitat. Of the 52.4 acres impacted by development, approximately 3.49 acres of Corps jurisdictional wetlands/waters would be filled to accommodate the proposed development project. Approximately 0.6 acres of isolated wetlands regulated by the Regional Water Quality Control Board would also be impacted by the proposed Project. An additional 0.76 acres of jurisdictional waters would be impacted in association with channel restoration activities. Total project related Corps jurisdictional impacts are 4.25 acres. Impacts to both Corps and Regional Board jurisdictional wetlands/waters will be mitigated on-site at a 2:1 ratio. A total of 9.7 acres of wetland habitat would be created/restored, preserved, and professionally managed to compensate for losses of jurisdictional habitat associated with development. Additional mitigation would consist of the restoration of approximately 7.84 acres of riparian habitat along approximately 8,420 linear feet of the Moller Creek corridor, enhancing biological functions provided along the creek. The overall mitigation acreage including both wetland and riparian mitigation is 17.54 acres.

In addition to jurisdictional wetland/waters impacts, biological surveys have concluded that the proposed project would adversely affect California tiger salamander (CTS), California red-legged frog (CRLF), and San Joaquin kit fox (SJKF). The Corps will initiate a consultation under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service on the impacts of the proposed project to these species. To mitigate Project related impacts to species habitat, the applicant has proposed that an approximately 300-acre conservation easement will be established surrounding the Project area. This easement, sized at a 2:1 acreage ratio of conserved open space to project ground disturbance, would add to the acreage and connectivity of other established open spaces in the region, which include the Tassajara Creek, Northern Drainage, Silvera Ranch, Mission Peak, and PG&E Open Spaces. Furthermore, this easement would set aside and protect valuable dispersal habitat for CTS and CRLF, and conserve potential denning and foraging habitat for the SJKF. Wildlife corridors have been designed throughout the development site plan, preserving access to and from Moller Creek.

3.**OTHER STATE AND FEDERAL PERMITS:**

Water Quality Certification - Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence of a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

4. **ENVIRONMENTAL ASSESSMENT:** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Cultural/Historic Resources - Basin Research Associates has conducted a cultural resources assessment and historic properties evaluation report for the Project. Based on the extensive search of records, surveys and a review of existing information, no previously recorded cultural resources or historic properties (archeological, architectural or traditional cultural sites) have been identified or are known to exist in the Project area.

5. **EVALUATION OF ALTERNATIVES:** Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office that the proposed project is not water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials,

Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bob Smith of our office at telephone 415-503-6792 or E-mail: robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.